IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU**

**WRIT PETITION NO : 21595 of 2004**

Between:

1 Kolluri Pedda Sambaiah S/o.Venkataiah @ Puttaiah
9th Ward, R/o.Chillaragollapalem Bapatla Municipality, Guntur District.
2 Annavarapu Raju S/o.Subbaiah, 9th Ward,

R/o.Moorthy Rakshana Nagaram, Bapatla Municipality, Guntur District.

**..... PETITIONERS**

AND

1 The District Collector Guntur, Guntur District.
2 The Revenue Divisional Officer Tenali, Guntur District.
3 The Mandal Revenue Officer Bapatla, Guntur District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Mandamus declaring the action of the respondents in issuing Section 4 (1) Notification dated. 18.10.2004 which was published on 3.11.2004 in Vartha Telugu Daily news paper invoking urgency clause under Section 17 (4) and dispensing with the procedure prescribed U/s 5 (A) of L.A.Act, in acquiring petitioners lands i.e., an extent of Ac 1-10 cents in S.No.769/2 and Act 1.59 cents in S.No.771/3 East Bapatla Village belong to the 1st Petitioner and an extent of Ac.0.92 cents in S.No.771/4 East Bapatla Village belong to the 2nd petitioner is highly illegal, improper, unjust, arbitrary, irrational, violation of Principles of Natural Justice and also offending articles 14,16 and 300-A of the constitution of India and consequently to set aside the same so far as the petitioners lands are concerned.

**Counsel for the Petitioners: MR.P.PHALGUNA RAO**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court made the following:**

**ORDER:**

Questioning the Notification dated 18-10-2004, published on 03-11-2004 in Vartha Telugu daily news paper, relating to acquisition of Ac.1.10 cents in Sy.No.769/2, Ac.0.48 cents in Sy.No.769/4, Ac.1.59 cents in Sy.No.771/3 and Ac.0.92 cents in Sy.No.771/4 of East Bapatla village, petitioners filed this petition contending that the said Notification was issued at the instance of their political rivals to deprive them of the only land they own and possess and so the same is liable to be quashed.

2. Except baldly stating that the proposed acquisition is politically motivated, no material is placed by the petitioners on record to show that there is political motivation in the proposed acquisition. Since procedure prescribed by the Land Acquisition Act is being followed and since petitioners would be entitled to compensation as per the provisions of the Land Acquisition Act, the contention that right of the petitioners to own and possess land is infringed and so the proposed action is violative of Article 300-A of the Constitution of India cannot be accepted, and so I find no grounds to quash the Notification in question.

Hence, the writ petition is dismissed. No costs.

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**(C.Y.SOMAYAJULU, J)**

Dated February 16, 2005.

YCR

To

1 The District Collector Guntur, Guntur District.
2 The Revenue Divisional Officer, Tenali, Guntur District.
3 The Mandal Revenue Officer Bapatla, Guntur District.

4. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

5. 2 C.D. copies.